

ENVIRONMENTAL PROTECTION COMMISSION
MEETING MINUTES
GENERAL MEETING AND PUBLIC HEARING
APRIL 5, 2006

Room 206, Town Hall

7:30 P.M.

The meeting was called to order at 7:30 P.M. Commission Members Present: Chairman Peter Hillman, Craig Flaherty, Ned Lewis, Ellen Kirby and Pete Kenyon

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

General Meeting

Mr. Hillman read the first agenda item:

Official receipt of materials from Christopher and Margaret Stefanoni, 77 Nearwater Lane regarding request for reconsideration by EPC.

Mr. Hillman acknowledged the official receipt of the Stefanoni request for reconsideration of the high tide elevation. He said he has been in contact with Town Counsel and has received a letter from Wayne Fox which states that the Commission could have a new public hearing to possibly consider new evidence presented by the Stefanonis. He stated that the public hearing would be limited to the narrow subject regarding the elevation of extreme high water.

Mr. Hillman stated that, because this is not a referral from Planning & Zoning, the burden will be on the Stefanonis' to persuade the Commission. He said the Commission will retain Mr. James MacBroom and that the Stefanonis' will be required to pay for Mr. MacBroom. He then outlined procedures for Mr. & Mrs. Stefanoni, the interveners and the Commission to determine which items from the previous submittals will be included in the new public hearing record. He stated that the interveners will be allowed to make a brief argument at the beginning of the public hearing why the Commission should not proceed.

Mr. Hillman read the next agenda item:

Discussion regarding the Darien High School Project, EPC-49-2001, 80 High School Lane.

The Commission discussed the ongoing Darien High School erosion and sediment control problems. Mr. Flaherty questioned whether the contractor has addressed the items in Mr. Canas' previous reports. He also requested information on the need for site stabilization over the next six months to a year. The Commission decided to request that Joe Canas appear at their April 19th meeting.

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Mr. Hillman read the next agenda item:

EPC 89-2005, Mona Tjader Slack, 6 Runkenhage Road, requesting a permit for emergency repair of existing septic system within a regulated area.

The Commission reviewed changes to the proposed resolution. A motion was made to approve the application by Mr. Flaherty and seconded by Mr. Kenyon. The application was approved unanimously.

Mr. Hillman read the next agenda item:

EPC 3-2006, Christopher and Debra Seiter, 459 Mansfield Avenue, proposing to construct a swimming pool within a regulated area.

The Commission reviewed changes to the proposed resolution. A motion to approve the application was made by Mr. Hillman and seconded by Mr. Kenyon. The application was approved unanimously.

Mr. Hillman read the next agenda item:

EPC 92-2005, William W. Seymour & Associates on behalf of Kent & Lisa Eppley, 20 Driftway Lane, proposing to construct a two-story garage and perform related site development activities within a regulated area.

The Commission decided to table EPC 92-2005, Kent & Lisa Eppley, until the April 19th meeting.

Mr. Hillman read the next agenda item:

EPC 4-2006, John B. Ward, 32 Beach Drive, proposing repair/replacement of existing sea wall with associated excavation and filling within a regulated area.

The Commission reviewed the draft approval. Mr. Flaherty made a motion to approve the application. The motion was seconded by Mr. Kenyon. The application was approved unanimously.

Mr. Hillman read the next agenda item:

EPC 5-2006, S.E Minor & Co., Inc. on behalf of James & Susan Brewer, 98 Ridge Acres Road, proposed filling and regrading within 50 feet of a regulated area.

The Commission reviewed the draft resolution and made changes. A motion to approve the application was made by Mr. Flaherty and seconded by Mr. Kenyon. The application was approved unanimously.

Mr. Hillman read the next agenda item:

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Mr. Hillman advised Mr. Hill, who arrived at the meeting, of the previous discussion regarding the Stefanoni request.

Mr. Hillman read the next agenda item:

EPC-22-2006, Thomas and Suzanne Denunzio, 129 Nearwater Lane, Proposing to construct a timber pier and floating dock and regrade and revegetate shoreline within a regulated area.

Mr. Hillman stated that he is an old friend and former neighbor of the DeNunzios', but he feels he can judge the application fairly.

John Roberge, P.E. represented the applicant. The Commission decided to schedule this application for a public hearing. Ms. Kirby requested that the applicant provide a schematic drawing of the property and the location of the proposed restoration and requested that the applicants stake out the area of the dock on the property. Mr. Roberge, representing the applicant, stated that the dock piers will be staked out. Mr. Flaherty requested photos of the area. Mr. Hillman requested a rendering be provided if possible.

Mr. Hillman read the next agenda item:

EPC-23-2006, Kathleen M. Dunphy, 10 Hamilton Lane, Proposing an addition to an existing dwelling and related construction activity within a regulated area.

Mrs. Dunphy represented herself. She stated that their entire house is within a 50 foot regulated area. Mr. Hillman asked if the library was being built over the area of the existing slate patio. Mrs. Dunphy answered yes. Ms. Kirby asked about the pipe located to the right of the existing shed. Mrs. Dunphy answered that that is possibly the down spouts. Ms. Kirby suggested that the vegetation behind the shed could be enhanced. Mr. Hillman made a motion to approve the application with the stipulation that there be additional plantings to be approved by the staff. The motion was seconded by Ms. Kirby. The application was approved unanimously.

Mr. Hillman read the next agenda item:

EPC-24-2006, Palmer and Julia Sparkman, 7 Tory Hole Road, Proposing an addition to an existing dwelling and related construction within a regulated area.

Mr. Lewis recused himself from this application. Mr. Kenyon stated that the Sparkmans are neighbors but that he does not know the applicant.

Mark Lebow from Seymour & Associates represented the applicant. He stated that the original plans had been scaled back to reduce disturbance to the site. He said there will be a reduction in asphalt from the driveway of just over 200 square feet. Mr. Flaherty asked about the condition of the vegetation between the house and the watercourse. Mr. Lebow said the vegetation along the bank of the stream is well established and there is a row of hemlock trees between the house and the watercourse. He said the house, as proposed, will be no closer to the wetlands than the existing

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house. The Commission continued this application to the April 19th meeting after receiving the new plans.

Mr. Hillman read the next agenda item:

EPC-25-2006, William W. Seymour & Assoc. on behalf of Guy W. Fiske, 85 Rings End Road,
Proposing an addition to an existing dwelling and related construction within a regulated area.

Mark Lebow from Seymour Associates represented the applicant. He said the proposed addition is a one story addition of 680 square feet. The architect, David Veda, stated that there will be a 10x14 flagstone terrace. Mr. Lebow said there will be no foundation, that the building will have a crawl space. He said the distance from the wetlands to the addition will be 49 feet and from the patio to the wetlands will be 42 feet. Mr. Hillman asked how far the existing home is from the wetlands. Mr. Lebow answered 58 feet from the house and 40 feet from the terrace. Mr. Flaherty asked about the existing discharge points from the roof leaders. Mr. Lebow stated that the roof leaders from the front of the house and the rear of the house currently discharge at grade. Mr. Flaherty asked about the proposed roof discharge. Mr. Lebow answered that the proposal is to continue to allow the runoff water from the roof water to discharge at grade. Mr. Flaherty asked about the condition of the existing seawall. Mr. Lebow stated that the wall is in reasonable condition. The Commission discussed increasing the area of filtration along Gorham's Pond. They requested that Environmental Land Solutions expand the planting areas to include the area of wood chips under the existing tree. Mr. Hillman moved to approve the application with the stipulation that the applicant consult with staff and enhance the planting plan. The plan will include more ground cover adjacent to the seawall. The condition of the existing willow tree will be assessed to determine if it should be removed. Matt Popp from Environmental Land Solutions suggested that the plan double the length of the proposed planting area. Mr. Hillman suggested that an arborist's letter should be required if the willow must come down. The motion to approve was seconded by Mr. Lewis. The motion to approve passed unanimously.

Mr. Hillman read the next agenda item:

EPC-26-2006, Matthew and Sara Iorio, 46 Stony Brook Road, Proposing tree removal and replanting with shrubs and groundcover within a regulated area.

Michael Christiano represented the applicant. They are proposing to remove 9 trees and re-plant the upland setback area with trees and shrubs. A motion was made by Mr. Hillman to approve the application with stipulations including saving the two trees, i.e. a chestnut oak and a sugar maple. The motion was seconded by Mr. Flaherty. The application was approved unanimously.

The following items were deferred to the April 19th meeting.

EPC-27-2006, Mr. and Mrs. Bryan Murphy, 21 Libby Lane, Proposing an addition to an existing dwelling and associated construction activity within a regulated area.

EPC-28-2006, Kelly and Peter Frank, 45 Granaston Lane, proposing to remove lawn area and invasive shrubs and re-plant within a regulated area.

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Public Hearing:

The Commission began the public hearing at 8:35 p.m.

Mr. Hillman read the first public hearing item:

Amendment of Wetland Boundary Map for the Town of Darien, revised to incorporate specific site soil surveys approved by the Environmental Protection Commission. The Town amends its wetland boundary map annually to reflect new information regarding soils and wetland and watercourses collected throughout the year.

The amendment of the Wetland Boundary Map for the Town of Darien. Mr. Hillman discussed the purpose of the map update which is to include periodic additions to the map from site surveys.

Mr. Hillman asked for public comment. There were no members of the public who wished to speak.

A motion was made by Mr. Flaherty to adopt the map amendments effective April 22, 2006. The motion was seconded by Mr. Hillman. The motion passed unanimously.

Mr. Hillman read the next hearing item:

EPC 21 -2006, Richard Windels, Jr., Friends of Goodwives River, Inc. on behalf of Joanne Nielsen, 34 Delafield Island Road, proposing to dredge approximately 0.35 acres of a portion of Nielsen Pond and Pony Pond and replant wetland vegetation.

Mr. Hillman stated that because the mailing notices were not completed the public hearing will be opened and continued to April 19th. A motion was made by Mr. Hillman to waive the application fee. The motion was seconded by Mr. Kenyon and passed unanimously.

Mr. Hillman read the next hearing item:

EPC 11-2006, Charles & Brook McILvaine, 57 Nearwater Lane, proposing partial demolition of an existing residence, additions to the residence and driveway with associated development activities within the regulated area (continued from 3/1/06).

Sean O’Kane, architect, represented the applicant. Mr. O’Kane said that the applicant has received Zoning Board of Appeals’ approval since the last public hearing. He stated that an environmentalist’s estimate was prepared including a Wetland Enhancement Plan. Matt Popp from Environmental Land Solutions presented the Wetland Enhancement Plan. He said the wetland on the property is mostly lawn and includes a ditch along the southern property line. He said the wetlands provide some wetland functions as described in the report. He said the mitigation measures include a rain garden to be located next to the natural wetland area which will be sized to accept the increase of runoff. He said there will be additional wetland plantings as enhancement. Mr. Flaherty asked about the area of lawn which will be re-planted. Mr. Popp answered

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approximately 500 square feet. Mr. Flaherty asked about the function of the catch basin in the lawn. Mr. Popp answered that he is unsure because the catch basin is not located in the low point of the property. Mr. O'Kane stated that the owners are proposing to abandon the septic system in the regulated area and pump to the Town sewer.

Mr. Hillman asked if there were members of the public who wished to speak. Seeing none Mr. Hillman moved to close the public hearing. The motion was seconded by Mr. Lewis and passed unanimously.

Mr. Hillman stated that he is inclined to approve the application with the proposed wetland enhancements. Mr. Flaherty suggested that the approval describe the changes to the driveway which were made to save a significant beech tree. Mr. Hillman requested a statement regarding the cooperation of the applicant with the Commission. Staff was requested to prepare a draft approval.

Mr. Hillman read the next agenda item:

EPC 16 - 2006, Salvatore and Jennifer Materia, 93 Mansfield Avenue, proposing drainage structures for new residence, retaining walls, filling, and wetland buffer restoration within a regulated area.

Salvatore Materia and John Martucci, P.E. represented the applicant. Mr. Materia stated that the Zoning Board of Appeals has approved his application for a lot width variance. He said the runoff from the site will be directed to an infiltration system. He said that plantings have been provided within the regulated area. He said there is a large tree on the south side of the property which the neighbor would like to be removed. Mr. Crockett, adjacent property owner, said he spoke to an arborist and that the tree is hollowed out and should be taken down. Mr. Flaherty said that the tree can be removed administratively with an arborist's report.

Mr. Materia said the wall will be located at the edge of the 50 foot regulated area. Mr. Flaherty asked if there was sufficient soil on the slope to plant trees and provide storm water infiltration. Mr. Martucci, the site engineer, said that the area does have sufficient soil. He said the proposal is to connect the stone wall at the toe of the slope to the existing wall. He said the wall will act as a permanent check dam for storm water runoff.

Seeing no other members of the public who wished to speak, Mr. Hillman made a motion to close the hearing. The motion was seconded by Mr. Flaherty and passed unanimously.

Mr. Hillman read the next hearing item:

EPC 19-2006, Bruce Hill, Esq. on behalf of Ian King, 78 Camp Avenue, proposing to restore an area of Town property previously disturbed and noticed as a violation. The work consists of removing topsoil and other materials and re-planting with native vegetation.

Attorney Bruce Hill represented the applicant. He said the application is a result of an enforcement action. He submitted correspondence from Robert Woodside. The Kings' had engaged Land Tech Consultants to prepare a remediation plan. Mr. King stated that after the remediation plan was

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prepared, they did not implement the plan because at that time there were discussions of the Town acquiring the Proccacini property and there were discussions of an access road being placed through the regulated area. He introduced Mr. Sarsin who is a prospective buyer of the property. Chris Allen from Land Tech Consultants said that he did an initial wetlands delineation in March 2003. He described the property disturbance at the time of his inspection. He said that no large trees had been removed. He said the number of saplings and some shrub vegetation have been removed. Mr. Hillman asked if there is some contingency in the sale of the property for this work to be done. Mr. Hill said that there is an agreement outside of the sale of the property. Mr. Hillman asked Mr. Allen if the restoration plan will restore the Town property to its previous condition. Mr. Allen said that there will be some improvements made with the removal of the invasive species. Mr. Hillman asked Mr. Allen for an estimate of the cost to do the work. Mr. Allen said \$3,000.00. Mr. Lewis made a motion to close the public hearing. The motion was seconded by Mr. Hillman and passed unanimously. The Commission requested the staff draft an approval including a \$3,500.00 bond. Mr. Flaherty requested a condition that the property line be defined and permanently demarcated.

The Commission discussed EPC-16-2006-Materia. Mr. Hillman said he feels the plan balances the neighbors' concerns while being fair to Mr. Materia. The Commission requested staff prepare a draft approval.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer